

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICHARD GREEN, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 4:04-CV-610 (CEJ)  
 )  
TROY STEELE<sup>1</sup> and )  
JEREMIAH W. NIXON )  
 )  
Respondents. )

MEMORANDUM AND ORDER

This habeas corpus action is before the Court upon the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, to whom the matter was referred pursuant to 28 U.S.C. § 636(b). On July 27, 2007, Judge Mummert issued a Report and Recommendation, recommending that the petition of Richard Green for writ of habeas corpus under 28 U.S.C. § 2254 be denied. Petitioner has not filed any objections to the Report and Recommendation, and the time allowed for doing so has now elapsed.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III [#17] is sustained, adopted, and incorporated herein.

**IT IS FURTHER ORDERED** that the petition of Richard Green for a writ of habeas corpus [#1] is **denied**.

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<sup>1</sup>As noted by Judge Mummert, Troy Steele is now petitioner's custodian and is therefore substituted for Chuck Dwyer as a proper party respondent.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).

A separate judgment in accordance with this order will be entered this same date.



Carol E. Jackson  
CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 14th day of August, 2007.